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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2881 OF 2007

The Nasik Merchants' Co-op. Bank Ltd. ...Applicant
V/s.
Uttam Bhimrao Pagare & Anr. ...Respondents

Mr.Kishor Patil, Advocate, i/b. P.N. Joshi, for the Applicant.

Mr.Sanjay Abad, Advocate, for Respondent No.1.

Mr.Y.M. Nakhawa, APP, for the Respondent-State.

CORAM : A.P. DESHPANDE, J.

DATED : 12TH DECEMBER, 2007.

P.C.:

1. By the present application, the applicant-Bank seeks special leave to file an Appeal against an order of acquittal passed by the Trial Court.

2. The applicant is a Scheduled Bank who claims to have advanced loan to the respondent for purchase of two vehicles. For repayment of the debt legally recoverable, the respondent handed over a cheque for a sum of Rs.23,000/- and the same came to be dishonoured. Consequently the applicant filed complaint under Section 138 of the Negotiable Instruments Act. The acquittal of the respondent in the said case has given rise to the filing of the present application.

3. Perused the judgment passed by the Trial Court. In my view, this is a fit case to grant leave as prayed for. Hence, special leave is granted. The Criminal Application is disposed of.

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